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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 618.

EX PARTE JOHN LYTLE, APPELLANT.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA.

FILED FEBRUARY 27, 1872.

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1 *Petition for writ of habeas corpus.*

UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX-PARTE JOHN LYTLE.

To the Honorable Hugh L. Bond and George S. Bryan, judges of the said court, sitting in said court, and for said circuit and district:

The humble petition of John Lytle of the State and district aforesaid, sheweth: That your petitioner is retained in the custody of L. E. Johnson, United States marshal in and for the district of South Carolina aforesaid, in jail, by virtue of a true bill found against him by the grand jurors of the said court, on a bill of indictment against him for "that he, the said John Lytle, John L. Parker, William Thomasson, William Lowry, John Miller, and Bishop Sandifer, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown,
late of York County, in the State of South Carolina, at York
2 County, in said district, and within the jurisdiction of this court, on the 11th day of April, A. D. 1871, unlawfully did conspire together with intent to violate the first section of the act entitled "An act to enforce the rights of the citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31st, 1870, by unlawfully hindering, preventing, and restraining divers male citizens of the United States of African descent, above the age of 21 years, qualified to vote at any election by the people in said county, district, and State, from exercising the right and privilege of voting, and by other unlawful means not allowing them, the said male citizens, to vote at an election to be held by the people on the 3rd Wednesday in October, A. D. 1872, within the county, district, and State aforesaid, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States. And also, for that he and the persons above named, together with divers
other evil-disposed persons, to the jurors aforesaid unknown,
3 late of York County, in said district, and within the jurisdiction of this court, on the 11th day of April, A. D. 1871, did combine and confederate with others, to the jurors unknown, to hinder, delay, prevent, and obstruct Dick Wilson, a male citizen of the United States, above the age of 21 years, qualified to vote at any election by the people in said county, district, and State, from voting at an election by the people to be held on the 3rd Wednesday of November, A. D. 1872, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

And also for that he and the persons above named, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the 11th day of April, A. D. 1871, unlawfully did conspire together with intent to injure, oppress, threaten, and intimidate Dick Wilson, a male citi-
4 zen of the United States of African descent, above the age of 21 years, qualified and entitled by law to vote at any election by the people in said county, district, and State, because he, the said Dick Wilson, did exercise the right and privilege of voting at an election by the people in said county, district, and State, held on the 3rd Wednes-

day of October, A. D. 1870, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States."

And also for "that he (and the persons above named,) together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the 21st day of April, A. D. 1871, unlawfully did conspire together to injure Dick Wilson, a citizen of the United States, lawfully entitled to vote, in his person, on account of giving his support in a lawful manner in favor of the election of A. S. Wallace, a lawfully qualified person, as a member of the Congress of the United States, contrary to the act of Congress in such case made and provided and against the peace and dignity of the United States."

And your petitioner further shows that the said last two above-recited counts of the said bill of indictment are for alleged violations of an act of the Congress of the United States of America, entitled An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States of America, and for other purposes, approved April 20th, 1871.

Your petitioner further shows, that he is advised by counsel learned in the law that the above true bill has been found against him, and he is restrained of his *his* liberty, in violation of the Constitution of the United States.

Your petitioner, therefore humbly prays your honors to grant him a writ of habeas corpus, to bring your petitioner before your honors, that the cause of commitment being known and seen, such further proceedings may be had thereon as are agreeable to law and justice.

FRANCIS M. FICKLING,
Att'y for Petitioner.

UNITED STATES OF AMERICA,
District of South Carolina:

Personally appeared before me John Lytle, the petitioner above-named, and made oath that the facts stated in said petition, as of his own knowledge, are true and in so far as they rest on the information of others, he believes them to be true.

JOHN his + mark. LYTLE.

Sworn and subscribed before me this 8th January, 1872.

THOMAS J. LA MOTTE,
U. S. Com'r S. C. District.

(Indorsed:) United States of America, district of South Carolina. In the circuit court, 4th circuit. Ex parte John Lytle. Petition for writ of habeas corpus. Fickling, pro pet. (Copy.)

UNITED STATES OF AMERICA,
District of South Carolina:

IN RE JOHN LITLE.

Writ of habeas corpus.

To L. E. Johnson, esquire, United States marshall in and for the district of South Carolina:

You are hereby commanded that the body of John Litle, by what-

ever name the said John Litle is called, into and under custody, committed and detained, as it is said, together with the day and cause of caption and detention of the said John Litle, you have before us, the subscribing judges, at Columbia, immediately after the receipt hereof, to do and receive what the said judges shall then and there consider in that behalf; and have you then and there this writ. Witness the Honourable Hugh L. Bond and George S. Bryan, judges of the circuit court in and for the circuit and district aforesaid, this 8th day of January, 1872.

Jan'y 10th, 1872.

GEORGE S. BRYAN,
U. S. Judge Dist. S. Ca.

Teste:

DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) United States of America, district of South Carolina. In the circuit court, 4th circuit. In re John Lytle. (Copy.) Writ of habeas corpus.

8 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX PARTE JOHN LYTLE. } Habeas corpus.

The return of L. E. Johnson, United States marshal for the district of South Carolina to the writ of habeas corpus in the above-stated case.

This respondent for return to the said writ says that he produces here in court the body of the said John Lytle, together with the said writ. And further says that the cause of the caption and detention of the said John Lytle is a bench warrant issuing out of the said court on the 14th day of December, 1871, after the finding of a true bill against the said John Lytle, by the grand jurors of the said court, upon a bill of indictment for conspiracy.

(Signed) L. E. JOHNSON,
U. S. Marshal, So. Ca.

JAN. 10 '72.

9 UNITED STATES OF AMERICA,
District of South Carolina, Fourth Circuit:

Stated term of the United States circuit court, begun and holden at Columbia, South Carolina, on the 4th Monday of November, A. D. 1871, Hon. George S. Bryan, U. S. district judge, presiding.

EX PARTE JOHN LYTLE.

A writ of habeas corpus having been granted in this case, and the prisoner, John Lytle, produced in court, and the cause of his detention having been fully enquired into, F. W. Finkling, esq., having been heard on behalf of the prisoner, and D. T. Corbin, esq., U. S. district attorney, on behalf of the United States, it is ordered and adjudged that

said John Lytle is lawfully detained, and that he be remanded to prison.

January 10, 1872.

(Signed) GEO. S. BRYAN,
U. S. Judge, Dist. So. Ca.

(Indorsed:) The United States of America, district of South Carolina. In the circuit court, 4th circuit. Ex parte John Lytle. Petition for habeas corpus. Order of court. (Copy.)

10 UNITED STATES OF AMERICA,
District of South Carolina, Fourth Circuit:

At a stated term of the circuit court of the United States, began and holden at Columbia, in said district, on the fourth Monday of November, A. D. 1871, the grand jurors in and for said district, to wit:

upon their several and respective corporal oaths, do present that John Lytle, John L. Parker, William Thomasson, William Lowry, John Miller, Bishop Sandifer, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the eleventh day of April, A. D. 1871, unlawfully did conspire together, with intent to violate the first section of the act entitled An act to enforce the rights of the citizens of the United States to vote in the several States of this Union, and for other purposes, approved May 31, 1870, by unlawfully hindering, preventing,
11 and restraining divers male citizens of the United States of African descent, above the age of 21 years, qualified to vote at any election by the people in said county, district, and State, from exercising the right and privilege of voting, and by other unlawful means not allowing them, the said male citizens, to vote at an election by the people, to be held on the third Wednesday of October, A. D. 1872, within the county, district, and State aforesaid, contrary to the act of Congress in such case made and provided and against the peace and dignity of the United States.

And the jurors aforesaid, upon their oaths aforesaid, do further present that John Lytle, John L. Parker, William Thomasson, William Lowry, John Miller, Bishop Sandifer, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, State of South Carolina, at York County, in said district, and within the jurisdiction of this court, on the eleventh day of April, A. D. 1871,
12 unlawfully did conspire together, with intent to injure, oppress, threaten and intimidate Dick Wilson, a male citizen of the United States of African descent, above the age of 21 years, qualified and entitled by law to vote at any election by the people in said county, district, and State, because he the said Dick Wilson, did exercise the right and privilege of voting at an election by the people in said county, district, and State, held on the third Wednesday of October, anno Domini 1870, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

And the jurors aforesaid, upon their oath aforesaid, do further present that John Lytle, John L. Parker, William Thomasson, William Lowry, John Miller, Bishop Sandifer, late of York County, in South Carolina, at York County, in said district, and within the jurisdiction of this court, on the eleventh day of April, 1871, did combine and confed-

13 erate with others, to the jurors unknown, to hinder, delay, prevent, and obstruct Dick Wilson, a male citizen of the United States, above the age of twenty-one years, qualified to vote at any election by the people in said county, district, and State, from voting at an election, by the people to be held, in said county, State, and district on the third Wednesday of October, A. D. 1872, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

And the jurors aforesaid, upon their oaths aforesaid, do further present that John Lytle, John L. Parker, William Thomasson, William Lowry, John Miller, Bishop Sandifer, together with divers other evil-disposed persons, to the jurors aforesaid as yet unknown, late of York County, in the State of South Carolina, at York County, in said district, and within the jurisdiction of this court. on the 21st day of April, A. D. 1871,

14 unlawfully did conspire together to injure Dick Wilson, a citizen of the United States, lawfully entitled to vote, in his person, on account of giving his support, in a lawful manner, in favor of the election of A. S. Wallace, a lawfully qualified person, as a member of the Congress of the United States, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

(Signed) D. T. CORBIN,
U. S. Dist. Att'y.

True bill as to all of the within-named defendants, except Bishop Sandifer and William Thomasson, and as to them, no bill.

BENJ. F. JACKSON,
Foreman.

14TH DEC'R, 1871.

(Indorsed:) United States of America, South Carolina district. U. S. circuit court. United States versus John Lytle et al. Conspiracy, &c., against Dick Wilson. Indictment. D. T. Corbin, U. S. dist. att'y.

15 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit.

EX PARTE JOHN LYTLE.

I, Daniel Horlbeck, clerk of the circuit court of the United States for the district of South Carolina, do hereby certify that the foregoing fourteen pages contain a full, true, and perfect transcript of the proceedings in the above-stated case.

Witness my hand and the seal of the said court, this 23d day of January, A. D. 1872.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) Ex parte John Lytle. Habeas corpus.

16 UNITED STATES OF AMERICA,
District of South Carolina:

In the circuit court, 4th circuit, stated term, November 27, A. D. 1871.

EX PARTE JOHN LYTLE. } "Habeas corpus."

The petitioner, John Lytle, having prayed an appeal to the Supreme Court of the United States from the order of this court remanding the said prisoner to prison; it is, on motion of Mr. Fickling, for the petitioner, ordered that the said prayer for appeal be allowed.

GEO. S. BRYAN,
U. S. Judge, D. S. C.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

JAN'Y 15, 1872.

17 UNITED STATES OF AMERICA,
District of South Carolina:

In the district court, 4th circuit, stated term, November 27, A. D. 1871.

EX PARTE JOHN LYTLE. } "Habeas corpus."

I, Daniel Horlbeck, clerk of the circuit court of the United States in and for the district of South Carolina, do hereby certify that the foregoing page is a transcript of the amendment of the record in the above-stated case, and that the same, together with the transcript heretofore certified by me, is a full, true, perfect, and complete transcript of the entire record in the above-stated case, as amended.

In witness whereof I have hereunto set my hand and affixed the seal of the said court this 20 day of February, in the year of our Lord one thousand eight hundred and seventy two.

[SEAL.] DAN'L HORLBECK,
C. C. C. U. S. for S. C.

(Indorsed:) United States of America, district of South Carolina. In the circuit court, 4th circuit. Ex parte John Lytle. Habeas corpus. Fickling, pro pet. Order allowing appeal. Dan'l Horlbeck, C. C. C. U. S. for S. C. Transcript.

(Indorsement on cover:) No. 618. Ex parte John Lytle, appellant. S. Carolina C. C. U. S. Filed 27th February, 1872.